

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 19-cv-12497-PBS

**GEOFFREY TAMMARO and MEGAN
TAMMARO,**

Plaintiffs

v.

**GARVIN MCRALE, MARK ASSAD,
KEVIN SMITH, CHRISTOPHER
SIMPSON, and BOSTON POLICE OFF.
JOHN DOE,**

Defendants.

**COURT ORDER REGARDING THE DEPOSITION OF
EMT RACHEL SMITH**

The parties in the above-referenced case have reported to this Court that Rachel Smith, an Emergency Medical Technician (EMT) employed by the Boston Public Health Commission, is a percipient witness to events giving rise to this lawsuit. The parties have also reported that any and all pertinent observations by Ms. Smith were made during the course of her employment while rendering medical assistance to a third-party. It is undisputed that the Boston Public Health Commission is a covered entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and a “covered entity may disclose protected health information in the course of any judicial . . . proceeding . . . [i]n response to an order of a court . . . , provided that the covered entity discloses only the protected health information expressly authorized by such order.”⁴⁵ CFR § 164.512(e)(1).

Based on the foregoing, this Court hereby orders EMT Rachel Smith to comply with the terms of the subpoena previously served upon her. Ms. Smith may disclose the condition of the patient she treated at 19 Stuart Street in the early morning hours of June 11, 2017, and any

actions she and other medical personnel took in response to the patient's condition. Ms. Smith is not permitted to divulge the identity of the aforementioned patient; nor may counsel for any party attempt to elicit such information. Neither the parties nor their attorneys may use or disclosed any protected health information provided by Ms. Smith for any purpose other than the litigation for which such information was requested.

SO ORDERED.

/s/ PATTI B. SARIS

Hon. Patti B. Saris
United States District Judge